

**THURSDAY, MARCH 10, 2011**

**FOURTEENTH LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Ramsey.

**PRAYER**

The proceedings were opened with prayer by Pastor Josh Lancaster of First Baptist Church Rockwood in Rockwood, Tennessee, a guest of Senator Yager.

**PLEDGE OF ALLEGIANCE**

Senator Yager led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 33

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

**STANDING COMMITTEE REPORTS**

**EDUCATION**

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 336 with amendment and 1445.

GRESHAM, Chairperson  
March 9, 2011

The Speaker announced that he had referred Senate Bills Nos. 336 with amendment and 1445 to the Committee on Calendar.

**GENERAL WELFARE, HEALTH AND HUMAN RESOURCES**

MR. SPEAKER: Your Committee on General Welfare, Health and Human Resources begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 484; also, recommend that Senate Bill No. 483 with amendment be referred to Committee on Finance, Ways and Means.

CROWE, Chairperson  
March 9, 2011

## THURSDAY, MARCH 10, 2011 -- 14TH LEGISLATIVE DAY

The Speaker announced that he had referred Senate Bill No. 484 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 483 with amendment to the Committee on Finance, Ways and Means.

### TRANSPORTATION

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 495 with amendment and 1494; also, recommend that Senate Bill No. 353 be referred to Committee on Finance, Ways and Means.

TRACY, Chairperson  
March 9, 2011

The Speaker announced that he had referred Senate Bills Nos. 495 with amendment and 1494 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 353 to the Committee on Finance, Ways and Means.

### GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 163, 217, 219, 220 and 221; also, recommend that Senate Bill No. 827 with amendment be referred to Committee on Judiciary.

WATSON, Chairperson  
March 9, 2011

The Speaker announced that he had referred Senate Bills Nos. 163, 217, 219, 220 and 221 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 827 with amendment to the Committee on Judiciary.

### MOTION

Senator Norris moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bill No. 2085** be passed on second consideration and be referred to the appropriate committee or held on the Clerk's desk, which motion prevailed.

### SENATE BILL ON SECOND CONSIDERATION

The Speaker announced that the following bill passed second consideration and was referred to the appropriate committee or held on the Clerk's desk:

**Senate Bill No. 2085** Local bill -- held on desk.

**MOTION**

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 125 and 126**; and **Senate Resolutions Nos. 20 and 21** be passed on first consideration and lie over, which motion prevailed.

**INTRODUCTION OF RESOLUTIONS**

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 125** by Senator Berke.  
Memorials, Public Service -- Kaitlyn Fox, 2011 Prudential Spirit of Community Award.

**Senate Joint Resolution No. 126** by Senator Berke.  
Memorials, Recognition -- Dr. Jim Osborn, 2011 Tennessee Medical Association's Distinguished Service Award.

**Senate Resolution No. 20** by Senator Johnson.  
Memorials, Academic Achievement -- Benjamin Kulas, winner of Middle Tennessee 2011 Regional Spelling Bee.

**Senate Resolution No. 21** by Senator Johnson.  
Memorials, Recognition -- AT&A Volunteers Sparkling Green Clean Tennessee.

**MOTION**

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 121 and 122**; and **Senate Resolution No. 19** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

**RESOLUTIONS LYING OVER**

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

**Senate Joint Resolution No. 121** -- Memorials, Retirement -- Brentwood Fire Chief Kenny Lane.

The Speaker announced that he had referred Senate Joint Resolution No. 121 to the Committee on Calendar.

**Senate Joint Resolution No. 122** -- Naming and Designating -- Rare Disease Day February 28, 2011.

The Speaker announced that he had referred Senate Joint Resolution No. 122 to the Committee on State and Local Government.

**Senate Resolution No. 19** -- Memorials, Recognition -- Commends the citizens of Sweetwater for their community enhancement efforts.

**THURSDAY, MARCH 10, 2011 -- 14TH LEGISLATIVE DAY**

The Speaker announced that he had referred Senate Resolution No. 19 to the Committee on Calendar.

**NOTICE**

**JOINT SELECT COMMITTEE ON BUSINESS TAXES**

The report was received and filed with the Clerk.

**CONSENT CALENDAR NO. 1**

**Senate Joint Resolution No. 117** -- Memorials, Sports -- Dr. Ann Hutcheson Price, Vanderbilt University Athletics Hall of Fame.

**Senate Joint Resolution No. 120** -- Memorials, Retirement -- Jerry Garrett.

**House Joint Resolution No. 105** -- Memorials, Sports -- Hardin County Lady Tigers Bowling Team, TSSAA State Champions.

**House Joint Resolution No. 106** -- Memorials, Recognition -- Pleasant Shade Restaurant and General Store, first anniversary.

**House Joint Resolution No. 108** -- Memorials, Recognition -- Kelly Miller Smith Institute on Black Church Studies, 25th anniversary.

**House Joint Resolution No. 109** -- Memorials, Death -- Luna Nell Morton Googe.

**House Joint Resolution No. 110** -- Memorials, Professional Achievement -- Rochelle Wright, Franklin Special School District's 2011 Teacher of the Year.

**House Joint Resolution No. 111** -- Memorials, Sports -- Caitlin Winburn, top honors at the East Tennessee Walking Horse Association awards banquet.

**House Joint Resolution No. 112** -- Memorials, Recognition -- Honoring the Afro American Police Association in Memphis.

Senator Faulk moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes . . . . .	33
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

**MOTION**

Senator Faulk moved that **Senate Bill No. 253** be rereferred to the Committee on Calendar, which motion prevailed.

**CONSENT CALENDAR NO. 2**

Objections having been raised, the following bill was placed at the heel of the calendar for Monday, March 14, 2011, pursuant to Rule 38: **Senate Bill No. 807**.

**Senate Bill No. 57** -- Highway Signs -- As introduced, designates segment of State Route 135 in Clay County as "Jerry Lee Denton Memorial Highway".

**Senate Bill No. 60** -- Highway Signs -- As introduced, designates segment of State Route 48 in Montgomery County as "Joel Plummer Memorial Highway".

On motion, Senate Bill No. 60 was made to conform with **House Bill No. 53**.

On motion, House Bill No. 53, on same subject, was substituted for Senate Bill No. 60.

**Senate Bill No. 283** -- Special License Plates -- As introduced, creates new specialty license plate for SpiritHorse Therapeutic Riding; allocates funds from the sale of the plates to allow children with special needs to work with horses. Amends TCA Title 55, Chapter 4.

**Senate Bill No. 334** -- Highway Signs -- As introduced, designates bridge on State Route 295 in Pickett County as "James 'Jim' Harrison South Memorial Bridge".

**Senate Bill No. 376** -- Special License Plates -- As introduced, authorizes issuance of new specialty earmarked license plates honoring Tennessee's veterans; allocates 50 percent of revenues produced from the sale thereof to state veterans' homes in Bradley and Montgomery counties. Amends TCA Title 55, Chapter 4.

**Senate Bill No. 1154** -- County Government -- As introduced, removes requirement that county legislative bodies must have typed or printed a description of the boundaries of county districts. Amends TCA Section 5-1-110.

**Senate Bill No. 1155** -- Public Funds and Financing -- As introduced, requires that amendments to any resolution that created a local government audit committee must be submitted to the comptroller for review and comment in same manner as the creating resolution under present law. Amends TCA Title 9, Chapter 3, Part 4.

Senator Faulk moved that all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	33
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

CALENDAR

**Senate Bill No. 89** -- Planning, Public -- As introduced, deletes provision allowing municipal and regional planning commissions to tentatively approve plats prior to road improvements and utility installations actually being made. Amends TCA Title 13, Chapter 3, Part 4 and Title 13, Chapter 4, Part 3.

Senator Yager moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 13-3-403(b), is amended by deleting the language "tentative" wherever it appears in the second sentence and substituting instead the language "preliminary".

SECTION 2. Tennessee Code Annotated, Section 13-4-303(b), is amended by deleting the language "tentative" wherever it appears in the second sentence and substituting instead the language "preliminary".

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 89**, as amended, passed its third and final consideration by the following vote:

Ayes .....	33
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senator Watson moved that **Senate Bill No. 335** be placed on the Calendar for Thursday, March 17, 2011, which motion prevailed.

**Senate Bill No. 1467** -- Polk County -- As introduced, subject to local approval, revises procedure for determining the tax on the privilege of participating in an amusement; to be determined annually by the county legislative body in accordance with established criteria, rather than imposing a set fee. Amends Chapter 2 of the Private Acts of 1981; as amended.

Senator Bell moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Chapter 2 of the Private Acts of 1981, as amended by Chapter 196 of the Private Acts of 1984, Chapter 135 of the Private Acts of 1991, Chapter 44 of the Private Acts of 1997, Chapter 32 of the Private Acts of 2001, Chapter 44 of the Private Acts of 2003, and any other acts amendatory thereto, is amended by deleting Section 2 in its entirety and by substituting instead the following:

Section 2. The legislative body of Polk County is hereby authorized to impose an amusement fee or to levy a privilege tax on the privilege of a consumer participating in the amusement of commercial whitewater rafting conducted upon the Ocoee River for recreational purposes. Such privilege tax or amusement fee imposed is a fee upon the consumer participating in the amusement, and is to be collected and distributed as provided in this act. The tax or fee shall not be imposed upon employees and bona fide trainees of the operator providing the amusement.

The rate of such tax or fee on a consumer participating in the amusement of commercial whitewater rafting conducted upon the Ocoee River for recreational purposes shall be a fixed amount per person, to be established by the county legislative body after a determination of the cost necessary for the provision of services by the county directly related to the events or activities of commercial whitewater rafting. The amount of the tax or fee shall be set by the county legislative body at the first regularly scheduled meeting of such legislative body in November of each year and shall become effective for the whitewater rafting season which begins the following year.

The calculation on the setting of the amount of the privilege tax or amusement fee shall be the cost of provision of services by the county directly related to the activities of commercial whitewater rafting, divided by the number of persons who engage in whitewater rafting during the preceding year's rafting activities. Such cost shall be based solely in accordance with requirements of the Maritime Transportation Security Act of 2002, compiled in 46 U.S.C. § 2101 et seq. If such calculation substantiates the rate, the tax or fee shall be set at an amount not to exceed fifty cents (.50¢) per person.

The amount of the privilege tax or amusement fee for the 2012 whitewater rafting season shall be set by the county legislative body at the legislative session immediately following the adoption of this act.

Any privilege tax or amusement fee to be imposed pursuant to this section shall first be approved by a two-thirds (2/3) vote of the legislative body of Polk County.

Upon the approval of any privilege tax or amusement fee imposed pursuant to this section, the amount of the tax or fee and the calculation used to establish them shall be published on the official Polk County government web site on or before December 1 of each year.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Polk County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1467**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	30
Noes . . . . .	1
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

Senator voting no was: Campfield--1.

Senator present and not voting was: Marrero--1.

A motion to reconsider was tabled.

**Senate Bill No. 1528** -- Teachers, Principals and School Personnel -- As introduced, changes date by which assignments for the following school year and notices of termination must be sent to school personnel from May 15 to June 15; specifies that director of schools must decide if a teacher is qualified for an open position; changes various requirements for obtaining tenure. Amends TCA Title 49, Chapter 5.

Senator Gresham moved to amend as follows:

#### AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-5-401, is amended by deleting the language "May 15" in subsection (a) and by substituting instead the language "June 15".

SECTION 2. Tennessee Code Annotated, Section 49-5-409(b)(2), is amended by deleting the language "May 15" and by substituting instead the language "June 15".

SECTION 3. Tennessee Code Annotated, Section 49-5-409, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

Nothing in this section shall prohibit a board from abolishing a position after June 15, for sufficient, just and nondiscriminatory reasons; provided, that the person holding the position is notified immediately in writing stating the reasons for abolishing



the position and the person is entitled to the next position that the person is qualified to hold and that opens within the school system during the remainder of the school year. The determination of whether a teacher is qualified for an open position shall be made by the director of schools, and the teacher's most recent evaluations may be a factor in such determination.

SECTION 4. Tennessee Code Annotated, Section 49-5-501, is amended by deleting subsection (6) in its entirety and substituting instead the following:

"Inefficiency" means being below the standards of efficiency maintained by others currently employed by the board for similar work, or habitually tardy, inaccurate or wanting in effective performance of duties. The definition of inefficiency includes, but is not limited to, having evaluations demonstrating an overall performance effectiveness level that is "below expectations" or "significantly below expectations" as provided in the evaluation guidelines adopted by the State Board of Education pursuant to § 49-1-302.

SECTION 5. Tennessee Code Annotated, Section 49-5-501, is amended by deleting subsection (11) in its entirety and by substituting instead the following:

"Tenure" is the employment status other than probation that a teacher may be under while teaching in the public schools. A teacher has no property right in the teacher's tenure status and must sustain a specified performance effectiveness level on evaluations, as provided in this part, to achieve and maintain tenure status. If a teacher acquires tenure, the teacher shall remain under that status until such time as the teacher resigns, retires, is dismissed or the teacher is returned to probationary status by the director of schools under the provisions of this part. No teacher who acquired tenure status prior to July 1, 2011, shall be returned to probationary status. No teacher, including administrative and supervisory personnel, who has acquired tenure status is entitled to any specific position.

SECTION 6. Tennessee Code Annotated, Section 49-5-502, is amended by deleting the words "permanent or limited" wherever it appears.

SECTION 7. Tennessee Code Annotated, Section 49-5-503, is amended by deleting the section in its entirety and by substituting instead the following:

Any teacher who meets all of the following requirements is eligible for "tenure":

(1) Has a degree from an approved four-year college or any career and technical teacher who has the equivalent amount of training established and licensed by the State Board of Education;

(2) Holds a valid teacher license, issued by the State Board of Education, based on training covering the subjects or grades taught;

(3) Has completed a probationary period of five (5) school years or not less than forty-five (45) months within the last seven-year period, the last two (2) years being employed in a regular teaching position rather than an interim teaching position;

(4) Has received evaluations demonstrating an overall performance effectiveness level of "above expectations" or "significantly above expectations" as provided in the evaluation guidelines adopted by the State Board of Education pursuant to § 49-1-302, during the last two (2) years of the probationary period; and

(5) Is reemployed by the director of schools for service after the probationary period.

SECTION 8. Tennessee Code Annotated, Section 49-5-504, is amended by deleting the section in its entirety and by subsisting instead the following:

(a) Any teacher, otherwise qualified for tenure status, shall meet the following requirements prior to becoming eligible for tenure status:

(1) Served five (5) school years or not less than forty-five (45) months within a seven-year period as a probationary teacher; and

(2) Received evaluations demonstrating an overall performance effectiveness level of "above expectations" or "significantly above expectations" provided by the evaluation guidelines adopted by the State Board of Education pursuant to § 49-1-302, during the last two (2) years of their probationary period.

(b) Notwithstanding any other provision of law to the contrary, once a teacher is eligible for tenure, the teacher shall be either recommended by the director of schools for tenure or nonrenewed; provided, however, that the teacher cannot be continued in employment if tenure is not granted by the board of education.

(c) Time spent on leave of absence, except sick leave as provided in § 49-5-710, shall not be counted as a part of the probationary period.

(d) A teacher who has attained tenure status in a school system and later resigns from the system shall serve a two-year probationary period upon reemployment by the system, unless the probationary period is waived by the board of education upon request of the director of schools. Upon completion of the two-year probationary period, the teacher shall be eligible for tenure and shall be either recommended by the director of schools for tenure or nonrenewed; provided, however, that the teacher cannot be continued in employment if tenure is not granted by the board of education.

(e) Any teacher who, after acquiring tenure status, receives two (2) consecutive years of evaluations demonstrating an overall performance effectiveness level of "below expectations" or "significantly below expectations", as provided by the evaluation guidelines adopted by the State Board of Education pursuant to § 49-1-302, shall be returned to probationary status by the director of schools until the teacher has received two (2) consecutive years of evaluations demonstrating an overall performance effectiveness level of "above expectations" or "significantly above expectations". When a teacher who has returned to probationary status has received two (2) consecutive years of evaluations demonstrating an overall performance effectiveness level of "above expectations" or "significantly above

expectations", the teacher is again eligible for tenure and shall be either recommended by the director of schools for tenure or nonrenewed; provided, however, that the teacher cannot be continued in employment if tenure is not granted by the board of education.

(f) Subsection (e) does not apply to teachers who acquired tenure prior to June 15, 2011.

SECTION 9. Tennessee Code Annotated, Section 49-5-511, is amended by deleting subdivision (b)(3) in its entirety and substituting instead the following:

A tenured teacher who has been dismissed because of abolition of a position shall be placed on a list for reemployment in the first vacancy the teacher is qualified by training and experience to fill. Nothing in this subsection (b) shall be construed to deprive the director of schools of the power to determine the filling of such vacancy on the basis of the director of school's evaluation of the teacher's competence, compatibility and suitability to properly discharge the duties required for the vacant position considered in the light of the best interest of the students in the school where the vacancy exists. The teacher's most recent evaluations may be a factor in such determination.

SECTION 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 11. This act shall take effect July 1, 2011, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Stewart moved to amend as follows:

## **AMENDMENT NO. 2**

AMEND by deleting the language "July 1, 2011" in the amendatory language of Section 5 of the bill and by substituting instead the language "the effective date of this act".

AND FURTHER AMEND by deleting the language "June 15, 2011" in the amendatory language of Section 8 of the bill and by substituting instead the language "the effective date of this act".

AND FURTHER AMEND by deleting the last section of the bill and by substituting instead the following language:

SECTION \_\_\_\_\_. This act shall take effect July 1 following the academic year in which the new teacher evaluation procedure created by Section 49-1-302 is implemented, the occurrence of which shall be certified by the Commissioner of Education to the secretary of state, the public welfare requiring it.

Madam Speaker Pro Tempore Woodson moved that Amendment No. 2 go to the table, which motion prevailed by the following vote:

**THURSDAY, MARCH 10, 2011 -- 14TH LEGISLATIVE DAY**

Ayes ..... 20  
Noes ..... 13

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--20.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Haynes, Henry, Herron, Kyle, Marrero, Stewart and Tate--13.

Senator Faulk moved for the previous question on **Senate Bill No. 1528**, which motion failed.

Thereupon, **Senate Bill No. 1528**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 21  
Noes ..... 12

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Henry, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--21.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Haynes, Herron, Kyle, Marrero, Stewart and Tate--12.

A motion to reconsider was tabled.

**Senate Bill No. 87** -- Beer -- As introduced, allows any establishment that has a permit to sell liquor or wine on premises to sell beer at any time such establishment can serve liquor or wine; changes hours for sale of beer in Tennessee River resort district to same hours as liquor by the drink. Amends TCA Title 57, Chapter 4 and Title 57, Chapter 5.

Senator Ketron moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 57-5-301(b)(5), is amended by designating the existing language as subdivision (A) and adding the following language as subdivision (B):

(B) In any jurisdiction that has elected Tennessee River resort district status pursuant to the provisions of § 67-6-103(a)(3)(F) and is considered a Tennessee River resort district for purposes of Title 57, Chapter 4, Part 1, the hours for the sale of beer within the boundaries of any such resort district shall not be less than the hours authorized for establishments selling liquor or wine for on-premises consumption.

On motion, Amendment No. 1 was adopted.

## THURSDAY, MARCH 10, 2011 -- 14TH LEGISLATIVE DAY

Thereupon, **Senate Bill No. 87**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	22
Noes . . . . .	6
Present, not voting . . .	1

Senators voting aye were: Berke, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Summerville, Tate, Woodson, Yager and Mr. Speaker Ramsey--22.

Senators voting no were: Beavers, Bell, Burks, Campfield, Herron and Southerland--6.

Senator present and not voting was: Watson--1.

A motion to reconsider was tabled.

Senator Beavers moved that **Senate Bill No. 325** be placed on the Calendar for Thursday, March 24, 2011, which motion prevailed.

Senator Ketron moved that **Senate Bill No. 626**, as amended, be placed on the Calendar for Thursday, March 31, 2011, which motion prevailed.

### MOTION

Senator Ford moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 135**, out of order, which motion prevailed.

### RESOLUTION LYING OVER

**House Joint Resolution No. 135** -- Memorials, Death -- Clantina "Tina" Marie Lapae Stewart.

On motion of Senator Ford, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 135** was concurred in.

A motion to reconsider was tabled.

### RECALL OF BILL

On motion of Mr. Speaker Ramsey, **Senate Bill No. 877** was recalled from the Committee on Calendar.

### REFERRAL OF BILL

Mr. Speaker Ramsey moved that Senate Bill No. 877 be referred to the Committee on Finance, Ways and Means, which motion prevailed.

**RECALL OF BILL**

On motion of Mr. Speaker Ramsey, **Senate Bill No. 1338** was recalled from the Committee on General Welfare, Health and Human Resources.

**REFERRAL OF BILL**

Mr. Speaker Ramsey moved that Senate Bill No. 1338 be referred to the Committee on Commerce, Labor and Agriculture, which motion prevailed.

**MOTION**

On motion of Senators Haynes, Kyle, Herron and Ford, their names were added as sponsors of **Senate Joint Resolution No. 117**.

On motion of Senators Henry and Harper, their names were added as sponsors of **Senate Joint Resolution No. 120**.

On motion of Senators Gresham, Tracy and Ford, their names were added as sponsors of **House Joint Resolution No. 105**.

On motion of Senator Beavers, her name was added as sponsor of **House Joint Resolution No. 106**.

On motion of Senators Harper, Kyle, Herron and Ford, their names were added as sponsors of **House Joint Resolution No. 108**.

On motion of Senator Finney, his name was added as sponsor of **House Joint Resolution No. 109**.

On motion of Senators Johnson and Ford, their names were added as sponsors of **House Joint Resolution No. 110**.

On motion of Senators Tracy, Southerland and Ford, their names were added as sponsors of **House Joint Resolution No. 111**.

On motion of Senators Marrero, Tate, Kyle, Harper and Ford, their names were added as sponsors of **House Joint Resolution No. 112**.

On motion of Senator Tate, his name was added as sponsor of **Senate Bill No. 89**.

On motion of Senators Tracy, Kelsey, Johnson, Beavers, Gresham, McNally, Campfield, Summerville, Overbey, Faulk, Roberts, Watson and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Bill No. 1528**.

On motion of Senator Tracy, his name was added as sponsor of **Senate Bills Nos. 325 and 1287**.

On motion of Senator Henry, his name was added as sponsor of **Senate Bill No. 2005**.

On motion of Senators Ford, Kelsey, Kyle, Marrero, Norris, Tate, Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson,

**THURSDAY, MARCH 10, 2011 -- 14TH LEGISLATIVE DAY**

Ketron, McNally, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 135**.

**ENGROSSED BILLS**

March 10, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 57, 87, 89, 283, 334, 376, 1154, 1155, 1467 and 1528; and Senate Joint Resolutions Nos. 117 and 120; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

March 10, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 754, passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 10, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 113, 114, 115, 116, 117, 118, 119, 120, 121, 122 and 135; adopted, for the Senate's action.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 10, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 462, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 10, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 106, 107, 108, 109, 110 and 115; concurred in by the House.

JOE MCCORD,  
Chief Clerk.

**THURSDAY, MARCH 10, 2011 -- 14TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

March 10, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 123, concurred in by the House.

JOE MCCORD,  
Chief Clerk.

**ENROLLED BILLS**

March 10, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bill No. 462; and Senate Joint Resolutions Nos. 106, 107, 108, 109, 110, 115 and 123; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

March 10, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 105, 106, 108, 109, 110, 111 and 112; for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 10, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 135, for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**SIGNED**

March 10, 2011

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 106, 107, 108, 109, 110, 115 and 123.

**SIGNED**

March 10, 2011

The Speaker announced that he had signed the following: House Bill No. 44.

**SIGNED**

March 10, 2011

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 105, 106, 108, 109, 110, 111 and 112.



**THURSDAY, MARCH 10, 2011 -- 14TH LEGISLATIVE DAY**

**SIGNED**

March 10, 2011

The Speaker announced that he had signed the following: House Joint Resolution No. 135.

**MESSAGE FROM THE HOUSE**

March 10, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 106, 107, 108, 109, 110, 115 and 123; signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

March 10, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 106, 107, 108, 109, 110, 115 and 123; for his action.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

March 10, 2011

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 141, 144 and 145; with his approval.

HERBERT H. SLATERY III,  
Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**

March 10, 2011

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolution No. 123, with his approval.

HERBERT H. SLATERY III,  
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, March 14, 2011: Senate Resolution No. 19; and Senate Joint Resolution No. 121.

This the 10th day of March, 2011.  
MIKE FAULK, Chairperson.

**THURSDAY, MARCH 10, 2011 -- 14TH LEGISLATIVE DAY**

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, March 14, 2011: Senate Bills Nos. 98, 163, 217, 219, 220, 221, 990, 991, 1013, 1336, 1494 and 1558.

This the 10th day of March, 2011.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, March 14, 2011: Senate Bills Nos. 264, 293, 495, 1811 and 807.

This the 10th day of March, 2011.  
MIKE FAULK, Chairperson.

**ADJOURNMENT**

Senator Norris moved the Senate adjourn until 5:00 p.m., Monday, March 14, 2011, which motion prevailed.